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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

MAY - 8 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE CLERK

In the Matter of )

IN THE MATTER OF )  
PETITION FOR EXTENSION OF COMPLIANCE )  
DATE UNDER SECTION 107(c) OF THE )  
COMMUNICATIONS ASSISTANCE FOR LAW )  
ENFORCEMENT ACT )

DA 98-762

CC Docket No. 97-213

To: The Commission

**COMMENTS**

Liberty Cellular, Inc. ("Liberty"), Bristol Bay Cellular Partnership ("the Partnership"), Bristol Bay Telephone Cooperative, Inc. ("Bristol Bay Telco") and North Carolina RSA 3 Cellular Telephone Company d/b/a Carolina West ("Carolina West") by their attorneys and pursuant to FCC Rule Section 1.415, respectfully submit these Comments in response to the Petitions For Extension of Compliance Date Under Section 107(c) of the Communications Assistance for Law Enforcement Act ("CALEA"), by various parties, released by Public Notice for comment on April 20, 1998 (DA 98-762) (hereafter "Petitions"). Through these comments, Liberty, the Partnership, Bristol Bay Telco and Carolina West support the petitions which ask the Commission for an extension of the October 25, 1998 compliance deadline of CALEA and comment on how the Commission can most efficiently extend the compliance deadline.

**Introduction**

1. Liberty is a Kansas corporation headquartered in Salina, Kansas. Liberty is owned by twenty-five local exchange carriers, directly or through affiliates, who participate in regional

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ownership of cellular radio facilities, common carrier point-to-point microwave radio service facilities, and a fiber optic network, as well as related, supporting facilities. All of Liberty's cellular facilities are in Kansas Rural Service Areas.

2. Bristol Bay Cellular Partnership is a Delaware general partnership headquartered in King Salmon, Alaska. The Partnership's partners are two telecommunications companies each owning 50% of the Partnership. The Partnership is the licensee of cellular radiotelecommunications service station KNKQ 331, serving Market 316 B-2 - AK RSA 2 - Bethel.

3. Bristol Bay Telephone Cooperative, Inc. is a not-for-profit cooperative corporation organized in the state of Alaska. Bristol Bay Telco is a local exchange carrier providing local exchange service to its member customers in Alaska.

4. Carolina West is the licensee of cellular radiotelecommunications service stations KNKN 693 and KNKN 881, serving Markets 567 B1 - NC RSA 3 - Ashe and 566 B1 - NC RSA 2 - Yancey, respectively.

5. As telecommunications service providers, Liberty's, the Partnership's, Bristol Bay Telco's and Carolina West's interest in this matter derives from their interest as telecommunications common carriers which are obligated to meet the October 25, 1998 compliance deadline as mandated by CALEA.

6. Liberty, the Partnership, Bristol Bay Telco and Carolina West support those petitioners which seek an extension of the October 25, 1998 compliance date.

**An October 25, 1998 Deadline Cannot Be Met Without An Agreed Upon Industry-Wide Technological Standard and Suitable Notice**

7. Liberty, the Partnership, Bristol Bay Telco and Carolina West agree with those petitioners whose contention it is that the October 25, 1998 compliance deadline as originally mandated in CALEA cannot be reasonably met. At present, the viability of the interim industry technological standard is still in dispute. The FBI and law enforcement groups believe the current interim standard does not go far enough in giving them the access they require. However, industry groups believe the current standard goes too far, impinging upon their customers' privacy rights. It is unclear whether the current dispute can even be settled by October 25, 1998, a mere six months away. Without a definitive standard, which can be agreed upon by industry and law enforcement groups alike, it is impossible to begin to transition to a new standard. Even if a new standard were to be agreed upon today, it would require at least six months of system engineering followed by at least 12 months of engineering development before system deployment can begin. Until the Commission can clarify carriers' requirements under CALEA, transition to a compliance date is impossible.

**The Commission Should Allow For Reasonable Time To Transition To a New Standard For All Telecommunications Providers**

8. Liberty, the Partnership, Bristol Bay Telco and Carolina West support a two year transition period from the time that the Commission adopts a new industry technological standard for CALEA, assuming that cost recovery issues are resolved in a satisfactory manner. This length of time allows for the basic amount of time

needed to implement an upgrade in current systems. Currently, the hardware and software necessary to comply with the capacity requirements are not commercially available. Even if the necessary equipment became available today a minimum of 18 months would be necessary for telecommunications carriers to comply.

9. As both law enforcement and telecommunications industry groups work toward establishing a new technological standard, and thereby a new compliance date, it is important that the Commission keep in mind that the standard should be logical from an industry-wide perspective. Any decision the Commission makes on a new standard, and its corresponding compliance date, should take into account the abilities and needs of different types of telecommunications service providers. For example, the expense of the upgrade should be reasonable from the perspective of both the large common carrier as well as the small and rural common carrier.

10. In terms of efficiency, it would be most efficient for the Commission to stay the current October 25, 1998 compliance deadline and work towards defining the obligations of carriers under CALEA. Removal of the looming deadline allows room for sensible decision-making and negotiation to occur. Stay of the current deadline enables the Commission to set aside a major aspect of the current dispute between industry and law enforcement groups. This would allow a ground point from which to begin work towards a new standard which is acceptable. As the situation stands now there is no forward progress and there will not be any without immediate stay of the compliance date. Once the Commission has

adopted a standard which can be agreed upon by industry groups, the Commission should set a new compliance deadline which is 24 months from the date the new standard is set.

Accordingly, Liberty, the Partnership, Bristol Bay Telco and Carolina West support those Petitions For Extension of the October 25, 1998 Compliance Date mandated by CALEA which suggest that the Commission adopt a two year transition period from the time that the Commission establishes a technological standard to implement the capability assistance requirements of CALEA which can be met by telecommunications service providers.

Respectfully submitted,


**LIBERTY CELLULAR, INC.**

**BRISTOL BAY CELLULAR PARTNERSHIP**

**BRISTOL BAY TELEPHONE COOPERATIVE, INC.**

and

**NORTH CAROLINA RSA 3 CELLULAR  
TELEPHONE COMPANY**

By:   
David L. Nace  
B. Lynn F. Ratnavale

Their Attorneys

**Lukas, Nace, Gutierrez & Sachs Chartered**  
1111 19th Street, N.W., Suite 1200  
Washington, D.C. 20036  
(202) 857-3500

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